

## **REMARKS**

Claims 1-26 were pending is the instant application. No claims have been added. Claims 2-4, 8-9, 13 and 17 have been cancelled. Therefore, upon entry of this instant Amendment claims 1, 5-7, 10-12, 14-16 and 18-26 will be pending.

Claims 1-26 are rejected.

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

### ***Claim Rejections - 35 USC § 103***

Claims 1-4, 7-9, 12-16, 19-22 and 24-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over IEEE 802.11 standard 1999 ed., and further in view of Shu et al. (U.S. Patent Number 7171493 B2), and Jakubowski et al. (U.S. Patent Number 6128737). Claims 5-6, 10, 11, 17, 18, 23 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over IEEE 802.11 standard 1999 ed., and further in view of Shu et al. (U.S. Patent Number 7171493 B2), Jakubowski et al. (U.S. Patent Number 6128737), and Jiang et al. (U.S. Patent Number 6765885 B2). Applicant respectfully traverse these rejections.

In order to sustain a rejection under 35 U.S.C. §103(a) there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. To establish a *prima facie* case of obviousness based on a combination of elements disclosed in the prior art, the Examiner must articulate the basis on which it concludes that it would have been obvious to make the claimed invention. In practice, this requires that the Examiner explain the reasons one of ordinary skill in the art would have been motivated to select

the references and to combine them to render the claimed invention obvious. This entails consideration of both the "scope and content of the prior art" and "level of ordinary skill in the pertinent art" aspects of the Graham test. *IN RE LEONARD R. KAHN*, 441 F.3d 977 (Fed. Cir. 2006). Inferences and creative steps that a person of ordinary skill in the art would employ can be used. The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results. *KSR INT'L CO. v. TELEFLEX INC.* 127 S. Ct. 1727 (2007). The art cited by the Examiner produces unpredictable results.

The Examiner cites the fact that the MIC is inherent in the WEP algorithm and that the WEP algorithm is applied to the frame body of an MPDU, thus precluding the sequence number. The Examiner cites Jakubowski as teaching calculating a message integrity code using an encryption process. The abstract of Jakubowski teaches away from the instant embodiment of Applicant's invention as Jakubowski includes a pseudo-random sequence number. The Examiner is citing the very art that the embodiments of the invention are addressing. The Applicant respectfully reminds the Examiner of the delay caused by the prior art delay in encrypting the entire payload and waiting for a sequence number before encrypting the MIC (paragraph [0015] pages 5-6 of the instant application).

With 802.11i, IEEE is trying to fix the problems with WEP. Counter-Mode/CBC-MAC Protocol (CCMP): a data-confidentiality protocol that handles packet authentication as well as encryption. The CCMP encryption engine implementation requires fast hardware implementation and exclude many architectures. Embodiments of the invention address the weak security of WEP while simplifying implementation of the CCMP to overcome WEP weaknesses. Only the data unit and MIC are encrypted in the CCMP Medium Access Control Protocol Data Unit (MPDU).

Applicants have amended claim 1 to specifically recite in the body of the claim the limitation of distributed device and distributed network. Each claim flows from the limitation of claim 1 for distributed device in a distributed network

As stated above, the figures cited from Struhsaker show control from central office facilities 160A and 160B.

Shvodian (US Patent No 6980541 B2) applies to a different type of network—centralized networks. In a centralized network, only the controller transmits beacons; there is no need for coordinating beacon transmissions among devices. Shvodian is drawn to time slot allocations by a central controller to devices in a centralized WPAN. The central controller plays an indispensable role here. The presence of such a central controller circumvents and does not address the fundamental issues surrounding a distributed wireless network while creating other fundamental problems such as the access conflicts between neighboring piconets. Thus, the combination of Struhsaker and Shvodian would not yield predictable results.

Applicant believe this application and the claims herein to be in a condition for allowance and respectfully requests a Notice of Allowance or timely Advisory Action. Please charge any additional fees, or credit overpayment to Deposit Account No. 20-0668. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicants.

Respectfully submitted:

/Steven A. Shaw/

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Steven A. Shaw  
Reg. No.: 39,368

Customer No.: 23494  
TEXAS INSTRUMENTS INCORPORATED  
P.O. Box 655474, M.S. 3999  
Dallas, TX 75265

Telephone: (972) 917-5137  
Facsimile: (972) 917-4418  
email: [steven-shaw@ti.com](mailto:steven-shaw@ti.com)